

1 DALE L. ALLEN, JR., State Bar No. 145279  
 dallen@aghwlaw.com  
 2 KEVIN P. ALLEN, State Bar No. 252290  
 kallen@aghwlaw.com  
 3 ALLEN, GLAESNER, HAZELWOOD & WERTH, LLP  
 180 Montgomery Street, Suite 1200  
 San Francisco, CA 94104  
 Telephone: (415) 697-2000  
 5 Facsimile: (415) 813-2045

6 Attorneys for Defendants  
 CITY OF PITTSBURG, OFFICER C. SAECHAO;  
 7 OFFICER R. SEMAS; OFFICER JUAN SIMENTAL;  
 OFFICER G. PALMA

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 BRUCE C. KYLES,  
 12 Plaintiff,  
 13 v.  
 14 CITY OF PITTSBURG, PITTSBURG  
 POLICE DEPARTMENT, C. SAECHO  
 (P288) R. SEMAS, JUAN SIMENTAL  
 (P286), G. PALMA (P278), AARON  
 BAKER (CHIEF), AND DOES 1-40,  
 15 Defendants.  
 16  
 17

18 Case No.: 3:13-cv-04695-WHO

**DEFENDANTS' OBJECTIONS TO  
 PLAINTIFF'S EXHIBITS**

Assigned to: Hon. William H. Orrick

Date: December 15, 2014  
 Time: 2:00 p.m.  
 Ctrm: 12, 19th Floor

Trial: January 26, 2015

19 Pursuant to the Court's order (Docket No. 14, 6:10-14), Defendants hereby submit their  
 20 objections to Plaintiff's Exhibit List.

21  
 22 **PLAINTIFF'S EXHIBIT LIST**

<b><u>Plaintiff's Exhibit</u></b>	<b><u>Defendants' Response</u></b>	<b><u>Plaintiff's Response</u></b>
Ex. "101" - Photographs of Plaintiff and his injuries.	No Objection	N/A
Ex. "102" - Video and audio from Simental's taser cam.	No Objection	N/A

1	Ex. "103" - PPD incident-related police reports.	If used to refresh recollection, no objection. Otherwise, Defendants object on hearsay grounds.	In addition to refreshing recollection, to be used for impeachment, and by expert witnesses in forming their opinions.
2	Ex. "104" - Selected medical records from Contra Costa Regional Medical Center	If used to refresh recollection of medical-related witnesses (or experts), no objection. Otherwise, Defendants object on hearsay grounds.	Not offered for the truth asserted in every case. Also, in addition to refreshing recollection, to be used for impeachment of defense witnesses; and, as business records where applicable.
3	Ex. "105" - Selected medical records from John Muir Medical Center	If used to refresh recollection of medical-related witnesses (or experts), no objection. Otherwise, Defendants object on hearsay grounds.	Not offered for the truth asserted in every case. Also, in addition to refreshing recollection, to be used for impeachment of defense witnesses; and, as business records where applicable.
4	Ex. "106" - Billing records from Contra Costa Regional Medical Center	Defendants object on grounds of hearsay and <i>Howell v. Hamilton Meats and Provisions, Inc.</i> (2011) 52 Cal. 4th 541 (on past medical expenses, only amount actually paid is admissible).	Not offered for the truth asserted in every case. As business records where applicable. To show, as an element of damage, the amounts paid and payable under <i>Howell</i> .
5	Ex. "107" - Billing records from John Muir Medical Center	Defendants object on grounds of hearsay and <i>Howell v. Hamilton Meats and Provisions, Inc.</i> (2011) 52 Cal. 4th 541 (on past medical expenses, only amount actually paid is admissible).	Not offered for the truth asserted in every case. As business records where applicable. To show, as an element of damage, the amounts paid and payable under <i>Howell</i> .
6	Ex. "108" - Report and CV of Barry Brodd	If used to refresh recollection of Mr. Brodd, no objection. Otherwise, Defendants object on hearsay grounds.	Agreed.

1 2 3 4	Ex. "109" - Report and CV of Richard Polksky	If used to refresh recollection of Dr. Polksky, no objection. Otherwise, Defendants object on hearsay grounds.	Agreed.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Ex. "110" - Pittsburg Lexipol Policy Manual 318 (canine)	No objection.	N/A

Dated: December 2, 2014

ALLEN, GLAESSNER,  
HAZELWOOD & WERTH, LLP

By: /s/ Kevin P. Allen  
 DALE L. ALLEN, JR.  
 KEVIN P. ALLEN  
 Attorneys for Defendants  
 CITY OF PITTSBURG, OFFICER C.  
 SAECHAO; OFFICER R. SEMAS; OFFICER  
 JUAN SIMENTAL; OFFICER G. PALMA